

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

BRANDON J. NAYLOR 1038465 )

(full name) (Register No.) )

13-1208-CV-W-DGK-P  
Case No. \_\_\_\_\_

Plaintiff(s). )

v. )

Jeremie Stauch )

(Full name) )

Joseph Hand )

Independence, Missouri Police )  
dept. Defendant(s).

Defendants are sued in their (check one):

\_\_\_\_ Individual Capacity

\_\_\_\_ Official Capacity

☒ Both

**COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983**

I. Place of present confinement of plaintiff(s): Jackson County Jail

II. Parties to this civil action:  
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Brandon J. Naylor Register No. 1038465

Address Jackson County Jail

1300 Cherry St Kansas City, Missouri 64106

B. Defendant Joseph Hand, Jeremie Stauch, Independence  
Missouri Police dept.

Is employed as Independence, Missouri Police officers.

For additional plaintiffs or defendants, provide above information in same format on a separate page.



III. Do your claims involve medical treatment? Yes \_\_\_\_\_ No ☒

IV. Do you request a jury trial? Yes \_\_\_\_\_ No ☒

V. Do you request money damages? Yes ☒ No \_\_\_\_\_

State the amount claimed? \$100,000.00 100,000.00 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes \_\_\_\_\_ No ☒

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes \_\_\_\_\_ No ☒

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes \_\_\_\_\_ No ☒

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

N/A

D. If you have not filed a grievance, state the reasons.

There is no grievance process. I filed a complaint with the Independence, Missouri police dept in July 2013. They haven't replied to my complaint.

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes \_\_\_\_\_ No ☒

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes \_\_\_\_\_ No ☒

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: N/A  
(Plaintiff) (Defendant)

(2) Date filed: N/A



- (3) Court where filed: N/A
- (4) Case Number and citation: N/A
- (5) Basic claim made: N/A
- (6) Date of disposition: N/A
- (7) Disposition: N/A  
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: N/A  
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

See Attached  
Paper

- B. State briefly your legal theory or cite appropriate authority:

See Attached  
Paper



## "Statement Of Claim"

(X. Part (A)

On the date of June 11<sup>th</sup> 2013 at approximately 9:23pm I was stopped by Independence, Missouri Police because I matched the description of a burglary suspect. I answered all their questions. The victim came to see if I was the suspect. She stated yes. As the Independence, Missouri police were getting ready to arrest me I turned towards an officer to ask why they were arresting me. I was instantly shot in the lower back with a department issued tazer, by officer Joseph Hand. I was stuck 3 times in between my shoulder blades with a closed fist by officer Joseph Hand. After he had already tazed me and I was on the ground. As I was laying face down on the concrete I was tazed 2 more times by Officer Joseph Hand. My hands were under my stomach because I tried to stop my fall so I wouldn't bust my teeth out when I hit the ground. Officer Jeremie Stauch punched me 3 times on the right side of my head near my temple, while my hands were under my stomach. I couldn't even protect myself. After officer Joseph Hand let off the tazer I was able to pull my hands from under my stomach. I had knots on the right side of my head, and bleeding from my face head.



IX. State briefly your legal theory or cite appropriate authority.

B. Use of excessive force in context of arrest, even though arrest itself is lawful, is actionable under 1871 civil rights statute. 42 U.S.C.A. § 1981 et seq., 1983.

Clark v. Ziedonis, 513 F.2d 79 (7th Cir 1975)

Police brutality, Rights of a arrested person, Excessive Force by Police.



X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

I want the courts to give me relief of the  
requested.

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. N/A

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes \_\_\_ No ✓

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

N/A

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes \_\_\_ No ✓

If your answer is "Yes," state the name and address of the lawyer.

N/A

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed (signed) this 21<sup>st</sup> day of November 2013.

Brandon Naylor.  
Signature(s) of Plaintiff(s)



DRABOLD J. MYHRE  
JACKSON Co. Dist Ctr  
1300 Cherry St  
Kansas City, MO 64106

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